

Treasure Salvors, Inc. v. Unidentified, Wrecked & Abandoned Vessel, [569 F.2d 330 \(5th Cir. 1978\)](#), modifying [408 F. Supp. 907 \(S.D. Fla. 1976\)](#).

Location: Shipwreck off the coast of Florida, located on the outer continental shelf outside of the territorial jurisdiction of the U.S. (territorial sea of the U.S. was 3 nautical miles at this time)

Applicable Laws: [Admiralty Law](#) (Law of Finds and Law of Salvage)

Where Laws Apply: Cases arising under maritime law subject to Admiralty Jurisdiction of U.S. Federal Courts may involve shipwrecks in any part of ocean and coastal waters including seas subject to the jurisdiction of other nations.

Holding: The judgment of the lower court granting title under the law of finds was modified and affirmed. The federal government appeal of that judgment failed to demonstrate a claim of ownership over a shipwrecked Spanish vessel outside of the territorial jurisdiction of the U.S. The Court thus rejected the application of the Abandoned Property Act and the Antiquities Act. The Court also stated that "an extension of jurisdiction for purposes of controlling the exploitation of the natural resources of the continental shelf is not necessarily an extension of sovereignty."

General Facts:

In 1971, two Florida corporations, Treasure Salvors, Inc. and Armada Research Corp. (collectively "plaintiffs") discovered and excavated several pieces of gold, silver, artifacts, and armament from a shipwreck believed to have been the Spanish vessel *Nuestra Senora de Atocha*. The *Atocha* sank off the coast of Florida in 1622 and was found by the plaintiffs a mile beyond Florida's submerged lands on the outer continental shelf. Plaintiffs were initially under contract with the state of Florida to retrieve the wreck, with Florida entitled to 25% of the finds, but the contract was determined to be void because the wreck was outside Florida's territorial waters.

Procedural Posture:

Plaintiffs filed an action in the Southern District of Florida for possession of and confirmation of title to the vessel. The United States intervened as a defendant and counterclaimed for title. The district court granted summary judgment to the plaintiffs and the United States appealed.

Court Holding and Reasoning:

On appeal, the federal government challenged the district court's jurisdiction over the case, and challenged the ruling of summary judgment. First, the court addressed the issue of jurisdiction, determining that the need for the property to be brought into the court's jurisdiction in order to have the power over the property is a legal fiction in maritime law. In this case, the district court had sufficient jurisdiction over the matter because the plaintiffs filed suit with the court and the United States voluntarily intervened in the district court's proceeding.

Next, the Court of Appeals for the Fifth Circuit addressed the United States' claim of title to the wreck by addressing several of the statutes and legal theories put forward. First, the court ruled that the district court appropriately applied the law of finds instead of the law of salvage; under the law of finds, title to abandoned property vests in the first person to take possession of such property.

The court then addressed the [Antiquities Act](#), under which the United States claimed ownership of the *Atocha*. Since the Antiquities Act applies to "lands owned or controlled by the Government of the United States", and the [Outer Continental Shelf Lands Act](#) (OCSLA) and the Convention on the Continental Shelf apply to natural resources found within the seabed and subsoil, the United States reasoned that the Antiquities Act applied. However, the court found that laws such as OCSLA and the Convention on the Continental Shelf were only intended to apply to natural resources found within the seabed and subsoil. As shipwrecks are not natural resources, the federal government could not claim ownership of *Atocha* through OCSLA or the Antiquities Act.

Finally, the court rejected the federal government's proposition that it had adopted the English common law rule granting the Crown title to abandoned property found at sea. The court noted that one state court had applied that doctrine early in U.S. history, but that it had since been abandoned by the courts. The court agreed that the U.S. Congress has the sovereign prerogative to enact legislation to control activities directed at shipwrecks but noted that this had not been written into any statute. The circuit court did not approve any portion of the district court's order that could have been construed as giving the Florida corporations exclusive title to the vessel and its cargo over other claimants not party to the litigation. The circuit court affirmed as modified the district court's award of summary judgment to appellee corporations, finding that the federal government failed to demonstrate a claim of ownership in the vessel.

Note:

Treasure Salvors supports the view that OCSLA only extends federal control over the outer continental shelf for purposes of exploration and exploitation of natural resources and establishes that abandoned shipwrecks found on the OCS are governed by the traditional law of salvage, except where there is a specific preservation law or permitting regime that can be used to protect submerged cultural resources.

This case may have resulted in a different outcome if the federal government had not limited its argument to ownership under OCSLA, the Abandoned Property Act, and the Antiquities Act but, rather, had focused on the federal government's control over the outer continental shelf. Such control should have been sufficient to trigger the Antiquities Act permit requirement or authority to make the area a National Monument under the Antiquities Act. Therefore, while the maritime law of salvage may apply to a wreck on the outer continental shelf, a permit may be required under the Antiquities Act if the wreck in question is an antiquity (which a wreck underwater for more than 100 years would clearly be).